

UNITED STATES DISTRICT COURT
 for the
 Western District of Washington

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address)
)
 One (1) Google Pixel 7 Pro cell phone as further)
 described in Attachment A)
)
)
)
 Case No. **MJ23-128**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

One (1) Google Pixel 7 Pro cell phone as further described in Attachment A, which is attached hereto and incorporated herein by this reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

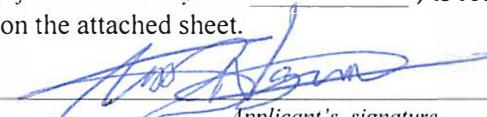
The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, U.S.C. § 1001(a)(2)	False Statement

The application is based on these facts:

See attached Affidavit continued on the attached sheet.

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

HSI Special Agent Audrey Ngadiran

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 e-mail and telephonic _____ (specify reliable electronic means).

Date: 03/21/2023


 Judge's signature

MICHELLE L. PETERSON, U.S. MAGISTRATE JUDGE

Printed name and title

City and state: Seattle, WA

AFFIDAVIT

STATE OF WASHINGTON
COUNTY OF KING

ss

I, Audrey Ngadiran, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations (HSI), assigned to the Special Agent in Charge (SAC) Seattle, Washington, field office. I have been employed as an HSI Special Agent since 2021. In my capacity as a Special Agent, I am responsible for conducting investigations into the numerous federal laws enforced by HSI. Since 2022, I have investigated criminal violations relating to child exploitation and child pornography, including violations pertaining to the unlawful production, importation, distribution, receipt, attempted receipt, and possession of child pornography and material involving the sexual exploitation of minors in violation of 18 U.S.C. §§ 2251, 2252(a), and 2252A(a). I am a graduate of the Federal Law Enforcement Training Center (FLETC), HSI Special Agent Training Program and have received further specialized training in investigating child pornography and child exploitation crimes. My training included courses in law enforcement techniques, federal criminal statutes, conducting criminal investigations, and the execution of search warrants. I have participated in the execution of many search warrants which involved child exploitation and/or child pornography offenses and the search and seizure of computers and other digital devices. I am a member of the Internet Crimes Against Children (ICAC) Task Force in the Western District of Washington, and work with other federal, state, and local law enforcement personnel in the investigation and prosecution of crimes involving the sexual exploitation of children.

2. I am a member of the Seattle Internet Crimes Against Children (ICAC) Task Force and work with other federal, state, and local law enforcement personnel in the investigation and prosecution of crimes involving the sexual exploitation of children.

PURPOSE OF AFFIDAVIT

6 3. I make this affidavit in support of an application under Rule 41 of the
7 Federal Rules of Criminal Procedure for search warrants for the following: one (1)
8 Google Pixel 7 Pro in the secure evidence of U.S. Probation for the Western District of
9 WA seized by USPO Officer Lisa Combs from Tyler Desmond and any other electronic
10 storage media found therein the device including SIM cards, hereinafter referred to as the
11 SUBJECT DEVICE.

12 4. As set forth below, there is probable cause to believe that the SUBJECT
13 DEVICE will contain or possess evidence, fruits, and instrumentalities of violations of 18
14 U.S.C. § 1001(a)(2) (False Statement) (hereinafter the “TARGET OFFENSE”). I seek
15 authorization to search and seize the items specified in Attachment B, which is
16 incorporated herein by reference.

17 5. The information in this affidavit is based upon the information I received
18 from U.S. Probation, court records, investigation I have conducted, and my conversations
19 with other law enforcement officers and review of their reports who have engaged in
20 various aspects of this investigation. Because this affidavit is being submitted for the
21 limited purpose of securing search warrants, I have not included each and every fact
22 known to me concerning this investigation. I have set forth only those facts that I believe
23 are sufficient to establish probable cause to support the issuance of the requested
24 warrants. When the statements of others are set forth in this affidavit, they are set forth in
25 substance and in part.

26 6. This Affidavit is being presented electronically pursuant to Local Criminal
27 Rule CrR 41(d)(3).

INVESTIGATION

7. According to the docket for U.S. District Court for the Western District of Washington, case number CR22-188 TL, Tyler John Desmond was indicted by the grand jury on one count of Possession of Child Pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2) on November 2, 2022. Dkt. 1. On November 10, 2022, Mr. Desmond was arraigned before Magistrate Judge Michelle L. Peterson and was placed on bond, under Pretrial Services supervision and with special conditions. Dkt. 8. Magistrate Judge Peterson and Mr. Desmond signed his appearance bond which contained a number of standard and special conditions. Dkt. 10. One such condition stated:

The defendant shall not use, possess or have access to a computer or computer components (functional or non-functional), including but not limited to hard drives, external storage devices, keyboards, and mouse, at the defendant's residence, place of employment, private homes, libraries, schools, or other public locations, without prior approval of Pretrial Services. In addition, the defendant shall not use, possess, or have access to PDA's, gaming systems, and Internet enabled TV devices, nor access the internet through use of a cellular phone device. The defendant shall not access the internet, or private or public computer networks, or not have others do so on his/her behalf, without prior approval of Pretrial Services. The defendant hereby consents to U.S. Pretrial Services' use of electronic detection devices to evaluate the defendant's access to WiFi (wireless fidelity) connections.

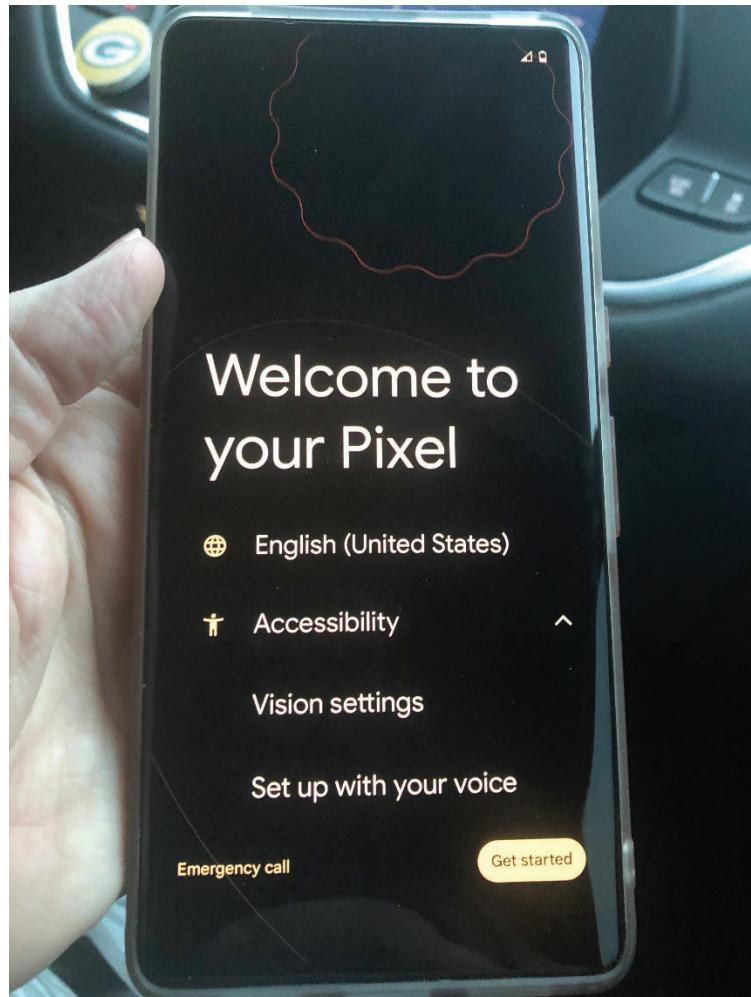
Dkt. 10.

8. According to U.S. Probation (USPO) Officers Lisa Combs and Patrick Robertson, I learned the following. On or about November 10, 2022, Mr. Desmond disclosed to USPO that he possessed a Google Pixel 7 Pro 13.1 cell phone with a data plan. He stated that he planned to give this device to his relatives to put in storage in light of the Court's condition against possessing internet capable devices. They discussed him obtaining and using a talk or text phone incapable of accessing the

1 internet, and he stated it was his plan to do so. Officer Combs conducted a home visit on
 2 or about December 1, 2022 for a standard check in. Officer Combs conducted another
 3 home visit on or about January 18, 2023 and noticed that Mr. Desmond was acting odd
 4 and it took a long time for him to answer the door. On or about February 28, 2023, Mr.
 5 Desmond was submitting to a drug test in Everett, WA pursuant to his Appearance Bond
 6 in the above-listed case. On that date, Officer Combs saw Mr. Desmond in the parking
 7 lot of the Everett U.S. Probation Office and inquired whether he had his phone on his
 8 person, believing he would have the talk or text phone. Mr. Desmond stated he "did not
 9 have his phone" on him. Throughout his pretrial supervision, USPO Officer Combs
 10 advised and reminded him not to possess internet capable devices and he repeated
 11 represented that he did not have any such devices.

12 9. Further USPO advised the following. On or about March 9, 2023, Officer
 13 Combs conducted another home visit and asked Mr. Desmond to show her his phone. He
 14 showed her the Google Pixel 7 Pro. Officer Combs noticed there were email on the
 15 phone. USPO Officer Combs asserted to Mr. Desmond that if he was receiving emails on
 16 the phone, then it must have internet connectivity. Mr. Desmond did not deny that it had
 17 internet capability but claimed he did not use it. Mr. Desmond claimed that he receives
 18 emails when he enters areas where there are hotspots when he is out in the world,
 19 indicating he had also left the house with this device. Accordingly, Officer Combs
 20 concluded that the device does in fact have internet connectivity and is an internet-
 21 capable device, which Mr. Desmond is prohibited from possessing. Officer Combs
 22 seized the Google Pixel 7 Pro cell phone and stored it in the secure evidence of U.S.
 23 Probation in Seattle, Washington. When she told Mr. Desmond the device was being
 24 seized, he asked to get some phone numbers off the Pixel. Officer Combs provided the
 25 following image of the Google Pixel 7 Pro she seized from Mr. Desmond:

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10. According to HSI Computer Forensic Analyst Jessica Overson, the above
11. screen could be indicative of a device that had been factory reset such that much of the
12. data is removed from the device. However, given that emails were seen by Officer
13. Combs on the device, that appears to not be the case. CFA Overson also noted that even
14. if the phone was reset, forensic examination of the device may be able to discern the date
15. that factory reset occurred, as well as identifying information about the device, such as
16. IMEI and other device-based information. CFA Overson also stated this particular
17. device, a Google Pixel 7 Pro, would need a SIM card to connect to the network via a data
18. plan (as Mr. Desmond stated it was previously used on this device). Furthermore, she
19. stated a forensic analysis of the SIM card of this device would not be wiped in a factory
20. reset. CFA Overson also stated that the device was not rooted, which would have been
21. detectable during forensic analysis. CFA Overson also stated that the device was not
22. jailbroken, which would have been detectable during forensic analysis. CFA Overson also
23. stated that the device was not encrypted, which would have been detectable during
24. forensic analysis. CFA Overson also stated that the device was not password-protected,
25. which would have been detectable during forensic analysis. CFA Overson also stated
26. that the device was not screen-locked, which would have been detectable during
27. forensic analysis. CFA Overson also stated that the device was not fingerprint-locked,
28. which would have been detectable during forensic analysis.

1 reset and would show information such as the cell phone number and when it first and
2 last connected to the network.

3 11. According to Mr. Desmond's Linkedin profile, he is a software engineer
4 with approximately 10 years of experience. His resume is indicative of a person with
5 technological savvy, particular around the issue of understanding what devices have
6 internet capabilities.

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CONCLUSION

12. Based on the information set forth herein, there is probable cause to search the above-described SUBJECT DEVICE, SUBJECT VEHICLE and SUBJECT PERSON, as further described in Attachment A, as well as on and in any digital device or other electronic storage media found at the SUBJECT PREMISES, in the SUBJECT VEHICLE, or on the SUBJECT PERSON, for evidence, fruits and instrumentalities, as further described in Attachment B, of the TARGET OFFENSES.

AUDREY NGADIRAN
Special Agent
Homeland Security Investigations

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit on this 21st day of March, 2023.

Michelle L. Peterson
MICHELLE L. PETERSON
United States Magistrate Judge